

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff,

v.

JUDGE ADRIENNE MCCOY,

Defendant.

CASE NO. 2:24-cv-694

ORDER

This matter comes before the Court on referral from the United States Court of Appeals for the Ninth Circuit (“Referral”). Dkt. No. 10. Having reviewed the relevant record, the Court REVOKES Myriam Zayas’s in forma pauperis status for her appeal, No. 24-3498.

Zayas moved to proceed in forma pauperis on May 17, 2024. Dkt. No. 1. In her complaint, she named Judge Adrienne McCoy, a King County Superior Court Judge, as the sole defendant. Dkt. No. 5. No summons was issued. *See generally* Dkt. Zayas alleges that Judge McCoy violated her rights by holding a “termination trial and pretend[ing] she was allowed to terminate [her] rights.” Dkt. No. 5 at 4.

1 On May 21, 2024, this Court dismissed Zayas's complaint with prejudice and
2 without leave to amend. Dkt. No. 6. In its order dismissing Zayas's action, this
3 Court explained that her claims are barred by the doctrine of judicial immunity.
4 Zayas named Judge McCoy as the sole defendant in her complaint. *See* Dkt. No. 5.
5 Her allegations relate to actions taken by the judge in the judge's judicial capacity
6 and judges are entitled to absolute judicial immunity for acts performed within this
7 scope. *See Schucker v. Rockwood*, 846 F.2d 1202, 1204 (9th Cir. 1988) (per curiam)
8 ("Judges are absolutely immune from damages actions for judicial acts taken within
9 the jurisdiction of their courts.").

10 Zayas's IFP status should be revoked here. A good faith appeal must seek
11 review of at least one "non-frivolous" issue or claim. *See Hooker v. Am. Airlines*, 302
12 F.3d 1091, 1092 (9th Cir. 2002). A frivolous claim is one that "lacks an arguable
13 basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Zayas's
14 complaint lacks an arguable basis in law, as the Court explained in its order
15 dismissing her case.

16 Accordingly, it is hereby ORDERED:

- 17 • The Court CERTIFIES that Zayas's appeal is frivolous and not taken
18 in good faith. Zayas's in forma pauperis status is revoked.
- 19 • The Clerk of the Court must provide a copy of this Order to all Parties
20 and the Ninth Circuit.

21 The Clerk is directed to send uncertified copies of this Order to all counsel of
22 record and to any party appearing pro se at said party's last known address.

23 Dated this 17th day of June, 2024.

A handwritten signature in black ink, appearing to read "Jamal W", is positioned above a solid horizontal line.

Jamal N. Whitehead
United States District Judge